




upgrading your discharge would allow you to receive Department of Veteran Affairs (DVA) benefits, and becoming a veteran and your chief made fun of your name and retaliated against you for attending your grandfather's funeral. The Board also noted your contentions that you self-medicated yourself due to being stressed, depressed, and recovering from a recent surgery, your discharge was too harsh, you were not offered help or a board proceeding, and you had no other discipline issues prior to the one incident. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your NJP and violation of the Navy's "Zero Tolerance" drug policy outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your contention that upgrading your discharge would allow you to receive DVA benefits and become a veteran, whether or not you are eligible for benefits is a matter under the cognizance of the DVA, and you should contact the nearest office of the DVA concerning your right to apply for benefits. If you have been denied benefits, you should appeal that denial under procedures established by the DVA. Regarding your contentions that your chief made fun of your name and retaliated against you for attending your grandfather's funeral and you self-medicated yourself due to being stressed, depressed, and recovering from a recent surgery. The Board noted that there is no evidence in your record, and you submitted none, to support your contentions. In regard to your contention that your discharge was too harsh, the Board noted that your punishment was a direct result of your actions, which resulted in NJP and violation of the Navy's "Zero Tolerance" drug policy. In regard to your contention that you were not offered help or a board proceeding, the Board noted that the record shows that you were notified of and waived your right to present your case to an Administrative Discharge Board (ADB). In doing so, you gave up your first and best opportunity to advocate for retention, assistance, or a more favorable characterization of service. Regarding your contention that you had no other discipline issues prior to the one incident, the Board noted that the record contains documented evidence, which is contrary to your contention. The record clearly shows that on 3 February 2004, you received NJP for being in a UA status prior to receiving your NJP for wrongful use of marijuana.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/1/2021



Executive Director

Signed by

